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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/805,337 03/22/2004 Norbert Stadele STADELE2 9096

1444 7590 02/22/2007
BROWDY AND NEIMARK, P.L.L.C.
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WASHINGTON, DC 20001-5303

EXAMINER

MUSSER, BARBARA J

ART UNIT

PAPER NUMBER

1733

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/805,337	STADELE, NORBERT	
	Examiner	Art Unit	
	Barbara J. Musser	1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 1-8 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 9 and 11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/22/04, 9/23/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of the restriction in the reply filed on 11/08/06 is acknowledged. The traversal is on the ground(s) that searching the two groups would not constitute a search burden on the examiner. This is not found persuasive because the apparatus can be used with a different process such as one where the cutting is not in accordance with the size and shape of the printed pattern.

The requirement is still deemed proper and is therefore made FINAL.

Examiner disagrees with applicant's recitation of the claims that read on the elected group. Applicant elected printing after corrugating. Claim 10 indicates the webs are printed prior to being united into a web of corrugated board. Thus they are printed upstream of the corrugating device as the corrugating device corrugates and joins the webs together. Therefore claim 10 is also considered not-elected.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alden(WO 2004/041541A1) in view of Welschlau(US Patent 4,587,898) as evidenced by Spann(US Patent 6,491,361)

Alden discloses a method of printed corrugated board wherein pre-formed sheets of corrugated board are printed using an ink-jet printer, and cut in accordance with the printed design.(Abstract; Pg. 2, ll. 26-27) The reference does not disclose this process being part of in-line formation the corrugated web. Welschlau discloses forming a corrugated board by printing on a continuous web, joining the web with a corrugated web, and cutting the formed corrugated product.(Figure 1; Col. 6, ll. 4-12) It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the process of Alden inline wherein the corrugated board is formed and then printed and cut since Welschlau discloses forming and cutting a corrugated web in an inline process and since this would allow continuous formation of the product. While Alden does not disclose the printer is a digital printer, Spann is cited to show that an ink jet printer is considered a digital dot matrix printer.(Col. 1, ll. 13-15) Thus the ink jet printer of Alden is considered a digital printing process.

Regarding claim 11, Alden discloses printing after forming the corrugated web.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman(U.S. Patent 5,882,746) in view of Welschlau and Maddalon(U.S. Patent 6,820,526).

Hoffman discloses printing a web, joining it to a corrugated web, and die cutting the web in accordance with the desired shape, which is affected by the printed shape.(Col. 4, ll. 1-45) TH reference does not disclose the printing, joining, and cutting as being one in-line process. Welschlau discloses forming a corrugated board by printing on a continuous web, joining the web with a corrugated web, and cutting the

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formed corrugated product.(Figure 1; Col. 6, ll. 4-12) It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the process of Hoffman inline wherein the corrugated board is formed and then printed and cut since Welschlau discloses forming and cutting a corrugated web in an inline process and since this would allow continuous formation of the product. The references cited above do not disclose if the printer is digital. Maddalon discloses currently those in the printing arts are using digital printing systems for previous types of printing systems.(Col. 1, ll. 12-15) It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the printing of Hoffman digital printing since Maddalon discloses the printing art tending to replace conventional printing devices with digital printing devices.(Col. 1, ll. 12-15)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara J. Musser whose telephone number is (571) 272-1222. The examiner can normally be reached on Monday-Thursday; alternate Fridays.

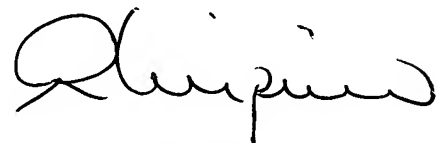
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571)-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



BJM



RICHARD CRISPINO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700